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Robert Bosch LLC*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE CHRYSLER-DODGE-JEEP
ECODIESEL MARKETING, SALES
PRACTICES, AND PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO: ALL
ACTIONS

3:17-MD-02777-EMC

**DEFENDANT ROBERT BOSCH
LLC'S STATUS REPORT
PURSUANT TO PTO 1**

Hearing: May 24, 2017
Time: 10:00 A.M.
Courtroom: 5

The Honorable Edward M. Chen

STATUS REPORT OF DEFENDANT ROBERT BOSCH LLC

In accordance with paragraph 3 of this Court's Pretrial Order No. 1, dated April 14, 2017, Defendant Robert Bosch LLC ("Bosch LLC"), through its counsel, Cleary Gottlieb Steen & Hamilton LLP, hereby submits this report to advise the Court of the status of pending litigation and document preservation efforts.

Procedural Status

On January 12, 2017, the United States Environmental Protection Agency ("EPA") issued a notice of violation ("NOV") to Fiat Chrysler Automobiles N.V. and FCA US LLC (collectively "FCA") regarding model years 2014-2016 diesel Dodge Ram and Jeep Grand Cherokee vehicles. The California Air Resources Board ("CARB") issued an NOV to FCA the same day concerning the same vehicles. The NOVs allege that the vehicles contain auxiliary emissions control devices ("AECDS") that were not properly disclosed to and approved by EPA and CARB in connection with those agencies' certification of the vehicles for sale. Neither of the NOV's name Bosch LLC or Robert Bosch GmbH ("Bosch GmbH," collectively with Bosch LLC the "Bosch Defendants").

A number of civil plaintiffs have filed lawsuits throughout the United States, each of which bases its claims upon the NOV's. As of May 17, 2017, Bosch is aware of twenty-two individual cases regarding these vehicles that have been filed in federal court. The Judicial Panel on Multidistrict Litigation ("JPML") has transferred ten cases to this Court, one case is subject to a Conditional Transfer Order, one case has been noticed to the JPML but is not currently subject to a Conditional Transfer Order, and ten cases were originally filed in this district and have been related to this MDL proceeding. A full list of these cases and their current status is attached as Exhibit A.

Only eleven of the twenty-two pending federal suits name either Bosch GmbH or Bosch LLC as a defendant. The suits include claims against the Bosch Defendants under the federal Racketeer Influenced and Corrupt Organizations Act, state consumer protection laws, common law fraud, and unjust enrichment. While most of the complaints assert claims on behalf of one or more purported classes and subclasses of owners and lessees, one complaint asserts claims on behalf of a purported class of reseller dealerships.

1 Bosch LLC is a Delaware limited liability company headquartered in Farmington Hills,
 2 Michigan. Bosch GmbH is a German private corporation headquartered in Stuttgart, Germany. The
 3 Bosch Defendants are automotive parts suppliers. The Bosch Defendants were not responsible for
 4 certification of the vehicles at issue and did not submit the certification applications to EPA or
 5 CARB in which AECDs were (or allegedly were not) disclosed. The claims against them are based
 6 primarily on allegations concerning their alleged role in supplying electronic engine control units to
 7 Volkswagen, not on any allegations specific to FCA.

8 Bosch LLC has been served in all but one¹ of the underlying actions in which it is a named
 9 defendant. In four cases, plaintiffs have purported to serve Bosch GmbH via service on Bosch LLC;
 10 Bosch GmbH has not been served in any of the underlying cases pursuant to the procedures of the
 11 Hague Service Convention regarding service of process outside the United States. Each case in
 12 which the Bosch Defendants have been named has either been transferred to this court by the JPML
 13 pursuant to 28 U.S.C. § 1407 or originally filed in this Court and consolidated with this action.
 14 There are no cases against the Bosch Defendants that have not been consolidated with this MDL.

15 Every case in which Bosch LLC had been served was stayed by the transferor court. With
 16 the exception of stipulations and motions regarding stays of all proceedings, there were no
 17 substantive filings in any of those underlying actions. No court entered a preservation order; the
 18 parties did not discuss settlement.

19 Bosch LLC is not aware of any actions pending in state courts regarding these vehicles in
 20 which a Bosch Defendant is a party.

21 The Bosch Defendants will be represented in these proceedings by undersigned counsel.²

22 **Statement as to Preservation of Evidence**

23 In accordance with the Federal Rules of Civil Procedure and this District's Guidelines for the
 24 Discovery of Electronically Stored Information, Robert Bosch LLC and Robert Bosch GmbH have

25 ¹ *Johnson v. FCA US LLC*, 1:17-cv-47 (N.D.W. Va.).

26 ² Although Bosch GmbH has not yet been served, Bosch LLC has consulted with Bosch GmbH to
 27 make the representations in this status report. By submitting this status report, the Bosch Defendants
 28 do not waive, and expressly preserve, all defenses, including all defenses concerning service and
 jurisdiction.

1 taken appropriate actions to preserve potentially relevant evidence, including electronically stored
2 information. The Bosch Defendants have issued broad hold notices to employees who they in good
3 faith believe might possess potentially relevant information related to the emissions functionality of
4 the FCA vehicles at issue. Bosch LLC has received a preservation demand letter from plaintiffs in
5 *Fasching v. FCA US LLC*, 3:16-cv-6909 (N.D. Cal.), and counsel for FCA have also notified the
6 Bosch Defendants of the need to preserve documents.

7 Hundreds of hold notices have been sent to employees in the United States and Europe, and
8 potentially relevant documents and electronically stored information from these individuals are
9 being preserved. The Bosch Defendants have also taken steps to preserve non-custodial sources of
10 potentially relevant information. The Bosch Defendants have suspended document retention and IT
11 procedures that had the potential to result in the deletion of potentially relevant information,
12 including electronically stored information. The Bosch Defendants will continue to evaluate their
13 preservation efforts and will issue additional hold notices or take further actions if circumstances
14 warrant.

Respectfully Submitted,

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DATED: May 17, 2017

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